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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 003810

SIPDIS

DEPT FOR EAP/PMBS, INR/EAP, INR/B

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TAGS: [PGOV](#) [PINS](#) [PINR](#) [RP](#)

SUBJECT: HEARINGS ON IMPEACHMENT CHARGES CONTINUE, BUT  
ARGUMENTS OVER PROCEDURE DOMINATE DEBATE

REF: A. MANILA 3697

- [B](#). MANILA 3593
- [C](#). MANILA 3458
- [D](#). MANILA 3391
- [E](#). MANILA 2777

Classified By: Political Officer Timothy Cipullo  
for Reasons 1.4 (b) and (d).

[1](#). (C) Summary: House hearings into the impeachment charges brought against President Arroyo are continuing, but pro-Arroyo and Opposition members continue to argue over procedure. In other legislative news, a House leader has advocated the formation of a constituent assembly that would focus on transforming the current governing structure into a parliamentary system. Senators, who do not want to see their body dissolved, have lashed out at the House proposal. At this point, the Opposition's impeachment effort seems to be in serious trouble -- there is little sign that it is picking up any new support in the House or among the public at large. End Summary.

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Impeachment Complaint Stalled Over Procedure  
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[2](#). (U) House Justice Committee hearings on August 16-17 focused on the procedural question of whether to consider an impeachment complaint filed by a private citizen against President Arroyo or the amended complaint filed subsequently by 42 Opposition legislators. After much discussion and arguing between the pro-Arroyo and Opposition camps, the Committee still had not reached a decision. It agreed to hold further hearings on August 23-24 to discuss and vote on the issue. The Opposition continues to argue heatedly that its amended complaint is the one that should be reviewed by the House. The pro-Arroyo majority argues that the earlier complaint is the one that should legally have priority. As of this point, the Opposition has yet to call a witness or make any other presentation in the Committee as to the substantive nature of its case against Arroyo. Charlie Serapio, a lawyer and pro-Opposition figure, told Acting Pol/C on August 17 that he wondered when the Opposition would be able to make its case, remarking: "I think Majority members are working to derail the impeachment proceedings and, unfortunately, they have the votes."

[3](#). (SBU) The issue of the whereabouts of a potentially key witness in the impeachment debate continues to make news. Department of Foreign Affairs Undersecretary Franklin Ebdalin has publicly confirmed that former Commission on Elections (COMELEC) official Virgilio Garcillano left Manila on July 14 bound for Singapore aboard a private jet. Singaporean immigration authorities also confirmed that Garcillano departed the following day for the United Kingdom. His current location is not known. In July, Congress issued a summons for Garcillano to testify in the House impeachment hearings. When he failed to appear, the House found him in contempt and authorities issued a warrant for his arrest. Garcillano became a central figure when audio-tapes that contain conversations he had with President Arroyo during the vote-counting phase after the May 2004 elections were released to the public -- see ref e. The Opposition has made clear that questioning Garcillano, or "Garci" as he is called in the press, is central to its impeachment case.

[4](#). (SBU) Regarding the audio-tapes, Department of Environment and Natural Resources Secretary Mike Defensor alleged at an August 12 press conference that analysis by an "independent audio expert" had concluded that the tapes were spliced and "doctored." Senator Panfilo "Ping" Lacson, a staunch Arroyo foe, called for experts in the U.S. and Australia to authenticate both Defensor's copies of the tapes and his own. He said that he would ask the Opposition to withdraw the impeachment complaint and he would personally apologize to President Arroyo if the tapes proved to be fabricated. (Note: Various Filipino politicians and others have publicly floated the idea of the USG's examining the tapes in order to determine their authenticity. The GRP has made no formal request to the FBI, however, and the FBI has no plans to accede to such a request if one is made. End Note.)

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Discussing Constitutional Change  
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15. (C) In other legislative news, Constantino Jaraula, the Chairman of the House Constitutional Amendments Committee, announced on August 16 that the House plans to convene a constituent assembly to amend the Constitution in order to shift the current structure to a parliamentary system. Jaraula averred that such a move would be possible with a vote of three-quarters of the members of both houses, i.e., 195 votes by any of the 236 representatives plus 23 senators. Senate President Franklin Drilon reacted angrily to the proposal, calling the suggestion "patently unconstitutional." He insisted that the House and Senate must vote separately, asserting that a 3/4 majority in both bodies would be necessary in order to convene a constituent assembly. Drilon has publicly stated that he is not against the idea of establishing a parliamentary system, per se, but would prefer that any debate on the matter take place via a Constitutional convention, whereby delegates would be chosen in a national election.

16. (C) Senators of all stripes are lining up behind Drilon. In an August 16 meeting, Senator Joker Arroyo, who is pro-Arroyo, commented that Jaraula's proposal was "dead in the water" in the Senate. In an August 17 meeting, Senator Maria Anna Consuelo "Jamby" Madrigal, an Opposition member, told Acting Pol/C that there was no way that the Senate would support the House's current model for Constitutional change. Arroyo and Madrigal both made clear that senators are not inclined to support Constitutional change proposals that basically seek to dissolve the Senate and turn the system into a unicameral one.

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Comment  
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17. (C) At this point, the Opposition's impeachment effort seems to be in serious trouble. To achieve a referral to the Senate, the Opposition needs 79 or more endorsements from members of the 236-member house (or one-third of the total). So far, the Opposition's complaint might have around 50 supporters (ref b), but no one has apparently signed up in the past couple of weeks. At the same time, despite the Opposition's best efforts, the public at large does not seem to care much about the proceedings. People are not glued to their TV sets or talking and creating a buzz about what is transpiring. Re the Constitutional change proposal, there is little doubt that this perennial issue is going to generate increased attention as House members press the matter forward, but agreement among all key players (Malacanang, House, the Senate, etc.) will be difficult to reach, to put it mildly.

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